IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 22875 of 2004

Between:

M. Vijaya Lakshmi W/o Eswar Reddy
Athiralladinne Village, Pedda Pappur Mandal, Anantapur

District

..... PETITIONER

AND

1 The Joint Collector, Anantapur, Anantapur District
2 The Revenue Divisional Officer, Anantapur
3 The Mandal Revenue Officer, Pedda Pappur Mandal, Anantapur District

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandmaus declaring the action of the 1st respondent in disposing of the appeal without any decision in his proceedings D. Dis.No. K4/ATP/963/04, dt 16-11-2004 as illegal, arbitrary and consequently direct the respondents to continue the petitioner as Fair Price shop Dealer of Athiralladinne Village of Peddapappur Mandal, Anantapur District pending enquiry before the 2nd respondent, and pass such other order or orders as this Hon'ble court deems fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.K.SITA RAM

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court, at the stage of admission, made the following :

ORDER:

Petitioner was appointed as a fair price shop dealer of Athiralladinne Village, Pedda Pappur Mandal, Anantapur District. The 2nd respondent suspended her authorization through proceedings, dated 02.08.2004, after issuing a show cause notice and considering the explanation. Aggrieved thereby, the petitioner preferred an appeal before the 1st respondent together with an application for stay. The 1st respondent refused to grant stay. Thereupon, the petitioner filed W.P.No.14030 of 2003. The writ petition was disposed of on 10.08.2004, directing that the petitioner shall be entitled to continue as dealer till the disposal of the appeal by the 1st respondent. Ultimately, the 1st respondent disposed of the appeal through order, dated 16.11.2004.

Learned counsel for the petitioner submits that the order of appeal, does not, in fact, disclose any result of the same and though the 1st respondent has found force in the explanation offered by the petitioner herein, he did not set aside the order of suspension. He submits that the petitioner deserves to be continued as fair price shop dealer, till the 2nd respondent disposes the proceedings.

Learned Government Pleader for Civil Supplies, on the other hand, submits that the 1st respondent discussed the matter at length, and ultimately, found that the order of suspension does not warrant any interference, and in that view of the matter, directed the 2nd respondent to expedite the disposal of the proceedings.

Petitioner availed the remedy of appeal against the order of suspension of dealership. The 1st respondent refused to grant any stay. Hence, she filed W.P.No.14030 of 2004, in this Court, and through an order passed therein, this Court

enabled her to function as dealer, till the disposal of the appeal by the 1st respondent.

In the order, dated 16.11.2004, the 1st respondent made a clear observation that on a perusal of the records submitted by the 2nd respondent, he saw force in the arguments advanced on behalf of the petitioner. However, he observed that the same needs to be considered by the 2nd respondent while disposing of the case. The order does not indicate as to whether the appeal was rejected or allowed. The 1st respondent was almost not in a position to make up his mind, while disposing of the appeal. That can never be the purport of the powers of an appellate authority.

Petitioner is already being continued as dealer, by virtue of the orders of this Court. No prejudice, as such, would be caused, if she is continued for few more weeks, till the 2nd respondent disposes the matter.

Hence, the writ petition is disposed of directing that the 2nd respondent shall pass appropriate orders in the proceedings initiated against the petitioner, as expeditiously as possible, and not later than six weeks, from the date of receipt of a copy of this order. Till such orders are passed, petitioner shall be continued as fair price shop dealer. No order as to costs.

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L.NARASIMHA REDDY, J

Dated : 10th December, 2004

Note: Furnish copy by 13.12.2004.

(B/o.)

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To

1 The Joint Collector, Anantapur, Anantapur District
2 The Revenue Divisional Officer, Anantapur
3 The Mandal Revenue Officer, Pedda Pappur Mandal, Anantapur District

4.2CCs to G.P. for Civil Supplies, High Court Buildings,

Hyderabad(OUT).

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